

1 Lisa C. Hamasaki, CA Bar No. 197628  
lisa.hamasaki@ogletree.com  
2 OGLETREE, DEAKINS, NASH, SMOAK &  
STEWART, P.C.  
3 Steuart Tower, Suite 1300  
One Market Plaza  
4 San Francisco, CA 94105  
Telephone: 415.442.4810  
5 Facsimile: 415.442.4870  
6 Attorneys for Defendant  
ORACLE AMERICA, INC.  
7

8 UNITED STATES DISTRICT COURT  
9 NORTHERN DISTRICT OF CALIFORNIA  
10

11 MARY E. MOWRY

12 Plaintiff,

13 v.

14 ORACLE AMERICA, INC., a corporation

15 Defendant.  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

Case No. 3:18-cv-07028 VC

**DECLARATION OF DAWN CAPRIOTTI IN  
SUPPORT OF DEFENDANT'S REPLY  
BRIEF IN SUPPORT OF ITS MOTION TO  
DISMISS PURSUANT TO FEDERAL RULE  
OF CIVIL PROCEDURE 12(b)(3), OR IN  
THE ALTERNATIVE, TO TRANSFER  
VENUE PURSUANT TO 28 U.S.C. § 1406(a)  
AND/OR § 1404(a)**

Date: March 7, 2019  
Time: 10:00 a.m.  
Location: Courtroom 4, 17<sup>th</sup> Floor  
Judge: Hon. Vince Chhabria

Complaint Filed: November 19, 2018  
Trial Date: None set

1 I, Dawn Capriotti, hereby declare and state as follows:

2 1. I am currently employed by Oracle America, Inc. ("Oracle") as Director of Human  
3 Resources and am based in West Chester, Pennsylvania. I have worked for Oracle since 2008 and  
4 have held the position of Human Resources Director since November, 2014. The facts set forth in  
5 this declaration are based on my personal knowledge and/or a review of Oracle's business records,  
6 and if called upon to testify to the same, I could and would do so competently and truthfully under  
7 oath. To the extent this declaration is based upon business records, those records are kept in the  
8 regular course of business, entries are made on those records in a timely manner by people with  
9 knowledge of the information being entered, and it is the regular practice of Oracle's business to  
10 maintain such records.

11 2. In my role as Human Resources Director, I am familiar with Oracle's practices and  
12 procedures regarding employee files, including personnel files. I also have access to such records --  
13 including the employment records of Plaintiff Mary E. Mowry -- which are maintained and relied  
14 upon by Oracle in the ordinary course of business.

15 3. Attached hereto as Exhibit "A" is a true and correct copy of the *Employment*  
16 *Agreement & Mutual Agreement To Arbitrate* governing Plaintiff's employment with Oracle.

17 4. Attached hereto as Exhibit "B" is a true and correct copy of the *Proprietary*  
18 *Information Agreement* governing Plaintiff's employment with Oracle.

19 5. Each year, Oracle hosts an Oracle Open World customer conference in San Francisco,  
20 California. The conference takes place over the course of 4-5 days during the month of September  
21 or October.

22 I declare under penalty of perjury under the laws of the United States of America and the  
23 State of California that the foregoing is true and correct, and that this declaration was executed this  
24 the 7 day of February, 2019, in West Chester, Pennsylvania.

25 

26 Dawn Capriotti